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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,404

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Damien Mandy

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39600

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10/28/2009

SOFER & HAROUN LLP.

317 MADISON AVENUE, SUITE 910

NEW YORK, NY 10017

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

10/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,404	Applicant(s) MANDY, DAMIEN	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/9/09 has been entered.

Status of Claims

2. Due to communications filed 10/9/09, the following is a non-final office action. Claims 1 has been amended. Claims 1-12 are pending in this application and have been examined on the merits. Claims 1-12 are rejected as follows. The previous rejection has been adjusted to reflect claim amendments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberberg (US 20030010821 A1), and further in view of Amirpanahi (US 5,648,906).

As per claims 1, 10, Silberberg discloses:

receiving, at the payment system, a first payment from a user corresponding to a first authorized parking time, ([0059], payment can be made by any of the other methods previously referred to including credit card payment in which credit card details are transmitted either automatically from the mobile phone or by the user keying numbers into the mobile phone, or from a Smart Card or SIM Card associated with the telephone 60 and which carries a cash balance which is reduced in accordance with the cost of the parking); and

supplying, by the payment system, to said user a code specific to said first payment, ([0059], and once payment has been verified by the central station 50 the central station 50 transmits a code back to the telephone 60 which acts as a virtual receipt to indicate that parking has been paid for, where the code also acts as a code allowing entry into the parking station 100 when the user presents at the parking station 100)

receiving, at the payment system, from said user a second payment corresponding to a second authorized parking time, ([0052], Silberberg discloses that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for);

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Silberberg does not specifically disclose when receiving said second payment, said payment system receiving said code specific to said first payment; and increasing, by said payment system, said second authorized parking time by a residual authorized time corresponding to said first authorized parking time linked to said first payment identified by said received code, however does disclose a payment option where the user uses his telephone number to dial the central station and the users account number is automatically deduced from the user's telephone number as shown in [0048].

However, Amirpanahi discloses in col. 12, lines 32-56 that upon reinsertion of the parking charge card into the magnetic strip reader the networked computerized parking system credits the parking charge card with the unused amount of parking fee, and identification information of the parking charge card is transferred to the central database computer 90 upon insertion of the parking charge card into the card insertion opening 68 so that any unused amount of parking fee is added back to the remaining, unused value of the parking charge card, and the identification information is checked to assure that any refund only goes back to the parking charge card originally entered into the card insertion opening 68, *i.e the code of the parking charge card entered for refund matches with the code of the parking charge card originally entered for purchase of parking time*. Amirpanahi also shows that the central database computer 90 uses any remaining, unused parking time and the appropriate parking rate to calculate the refund to and calculate and retain a new value for the parking charge card in col. 12, lines 56-61. In col. 1, lines 36-40 Amirpanahi also shows that is common to use cards for

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computerized parking meters which operate without coins and to estimate a certain value to be deducted from a card in order to compensate for the amount of time that the user will be using said parking space, which further suggests that the new value for the parking charge card in Amirpanahi compensates for a new amount of time that the user will use the space. It therefore would be obvious to combine the teachings of Silberberg and Amirpanahi to disclose when receiving said second payment, said payment system receiving said code specific to said first payment; and increasing, by said payment system, said second authorized parking time by a residual authorized time corresponding to said first authorized parking time linked to said first payment identified by said received code.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose when receiving said second payment, said payment system receiving said code specific to said first payment; and increasing, by said payment system, said second authorized parking time by a residual authorized time corresponding to said first authorized parking time linked to said first payment identified by said received code with the motivation of showing that a user is capable of using residual time in the form of remaining, unused parking time to extend parking time.

As per claim 2, Silberberg discloses:

wherein the parking space is identified by a number and the user provides said number during said second payment operation using the appropriate input and

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processing means cooperating with said payment means, (Silberberg discloses that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for in [0052], where a unique code printed on the parking meter and is inputted into the user's telephone to relay that data to the central station as shown in [0047])

As per claim 3, Silberberg discloses:

wherein said parking space number is used to generate said specific code specific to said first payment, (Silberberg discloses a payment option where the user uses his telephone number to dial the central station and the users account number is automatically deduced from the user's telephone number as shown in [0048]).

As per claim 4, Silberberg does not specifically disclose wherein said second authorized parking time is increased by any residual time only if said first payment relates to said parking space, however does disclose in [0052], that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for.

However, Amirpanahi discloses in col. 12, lines 32-56 that upon reinsertion of the parking charge card into the magnetic strip reader the networked computerized parking

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system credits the parking charge card with the unused amount of parking fee, and identification information of the parking charge card is transferred to the central database computer 90 upon insertion of the parking charge card into the card insertion opening 68 so that any unused amount of parking fee is added back to the remaining, unused value of the parking charge card, and the identification information is checked to assure that any refund only goes back to the parking charge card originally entered into the card insertion opening 68, i.e the code of the parking charge card entered for refund matches with the code of the parking charge card originally entered for purchase of parking time. It therefore would be obvious to combine the teachings of Silberberg and Amirpanahi to disclose wherein said second authorized parking time is increased by any residual time only if said first payment relates to said parking space.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for said second authorized parking time to be increased by any residual time only if said first payment relates to said parking space with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claims 5, 6, 8 and 9, Silberberg does not specifically disclose wherein said first authorized parking time is increased by any residual time only if said first payment relates to said parking space corresponding to a given amount paid by a user is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, and *any remaining authorized time corresponding to the previous authorized time relating to said parking space/* wherein

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the authorized time is equal to the greater of the following times: the time directly related to said first payment as defined by a table of charges and *any remaining authorized times corresponding to preceding authorized times relating to said parking space/* wherein said second authorized parking time after the user enters said code is equal to the greater of the following times: the time directly related to said payment, as defined in particular by a table of charges, plus any remaining authorized time corresponding to the authorized time linked to said first payment, and any remaining authorized time corresponding to the previous authorized time relating to said parking space of a transaction preceding said first payment/wherein said second authorized parking time after the user enters said code is equal to the greater of the following times: the time directly related to said payment, as defined in particular by a table of charges, plus any remaining authorized time corresponding to said first authorized parking time , and any remaining authorized times corresponding to previous authorized times relating to said parking space of transactions preceding said first payment, however does disclose in [0052], that the user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for.

However, Amirpanahi discloses in col. 12, lines 32-56 that upon reinsertion of the parking charge card into the magnetic strip reader the networked computerized parking system credits the parking charge card with the unused amount of parking fee, and identification information of the parking charge card is transferred to the central

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database computer 90 upon insertion of the parking charge card into the card insertion opening 68 so that any unused amount of parking fee is added back to the remaining, unused value of the parking charge card, and the identification information is checked to assure that any refund only goes back to the parking charge card originally entered into the card insertion opening 68, i.e the code of the parking charge card entered for refund matches with the code of the parking charge card originally entered for purchase of parking time. It therefore would be obvious to combine the teachings of Silberberg and Amirpanahi to disclose wherein said first authorized parking time is increased by any residual time only if said first payment relates to said parking space corresponding to a given amount paid by a user is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, and *any remaining authorized time corresponding to the previous authorized time relating to said parking space/* wherein the authorized time is equal to the greater of the following times: the time directly related to said first payment as defined by a table of charges and *any remaining authorized times corresponding to preceding authorized times relating to said parking space/* wherein said second authorized parking time after the user enters said code is equal to the greater of the following times: the time directly related to said payment, as defined in particular by a table of charges, plus any remaining authorized time corresponding to the authorized time linked to said first payment, and any remaining authorized time corresponding to the previous authorized time relating to said parking space of a transaction preceding said first payment/wherein said second authorized parking time after the user enters said code is equal to the

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greater of the following times: the time directly related to said payment, as defined in particular by a table of charges, plus any remaining authorized time corresponding to said first authorized parking time , and any remaining authorized times corresponding to previous authorized times relating to said parking space of transactions preceding said first payment.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for wherein said first authorized parking time is increased by any residual time only if said first payment relates to said parking space corresponding to a given amount paid by a user is equal to the greater of the following times: the time directly related to said payment, as defined in particular by an appropriate table of charges, and *any remaining authorized time corresponding to the previous authorized time relating to said parking space/* wherein the authorized time is equal to the greater of the following times: the time directly related to said first payment as defined by a table of charges and *any remaining authorized times corresponding to preceding authorized times relating to said parking space/* wherein said second authorized parking time after the user enters said code is equal to the greater of the following times: the time directly related to said payment, as defined in particular by a table of charges, plus any remaining authorized time corresponding to the authorized time linked to said first payment, and any remaining authorized time corresponding to the previous authorized time relating to said parking space of a transaction preceding said first payment/wherein said second authorized parking time after the user enters said code is equal to the greater of the following times: the time directly related to said payment, as defined in

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particular by a table of charges, plus any remaining authorized time corresponding to said first authorized parking time , and any remaining authorized times corresponding to previous authorized times relating to said parking space of transactions preceding said first payment with the motivation of showing that a user's is capable of using residual time to extend parking time.

As per claim 7, Silberberg discloses:

only the time directly related to said first payment as defined in particular by said table of charges is communicated to the user, (Silberberg shows that a central controller can telephone the user's mobile telephone and display a message indicating that parking time is almost expired and asking for acknowledgment as to whether the meter should be topped up for a further payment period up to one hour which will be the maximum parking time allowed at that meter in [0027]).

As per claims 11, 12, Silberberg does not specifically disclose wherein said user makes said second payment before an expiry of time of said first authorized parking time, and wherein the residual authorized parking time corresponds to the time between the second payment and the expiry time of the first authorized parking time/ wherein the code of said first payment is valid until an expiry of time of said first authorized parking time, and wherein the residual authorized parking time corresponds to the time between said second payment and the expiry time of said first authorized parking time , however does disclose the user will be presented with a display indicating that parking time has almost expired and asked whether the user wishes to extend

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parking time should that be possible. The user can input a command by touching any key indicating that parking time should be extended and the central control station will deduct appropriate payment from the user's account and reactive the parking meter to show that additional parking time has been paid for in [0052].

However, Amirpanahi discloses in col. 11, lines 30-42 that information about an amount deposited and expiration time is stored in the mother board 12. After checking balance of the prepaid parking card and checking a card identifying code entered by the user, the mother board 12 determines whether the pointer 59 of the timer 6 should be moved to indicate amount of parking time desired to be purchased by the user, and also in col. 12, lines 32-56 shows that any unused amount of parking fee is added back to the remaining, unused value of the parking charge card. It therefore would be obvious to combine the teachings of Silberberg and Amirpanahi to disclose the following:

wherein said user makes said second payment before an expiry of time of said first authorized parking time, and wherein the residual authorized parking time corresponds to the time between the second payment and the expiry time of the first authorized parking time/ wherein said user makes said second payment before an expiry of time of said first authorized parking time, and wherein the residual authorized parking time corresponds to the time between the second payment and the expiry time of the first authorized parking time/ wherein the code of said first payment is valid until an expiry of time of said first authorized parking time, and wherein the residual authorized parking time corresponds to the time between said second payment and the expiry time of said first authorized parking time.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitations with the motivation of showing that a user can extend his parking time prior to the original parking time expiring.

Response to Arguments

5. Applicant's arguments filed 10/9/09 have been fully considered but they are not persuasive.

Applicant argues that prior art shows that after receiving a refund to their card, the user may use the refunded amount to make a subsequent purchase of parking time as a new transaction, but, according to applicant, this is not the same as making an additional time/parking purchase that has added holdover time from a first paid time. However, the combination of Silberberg and Amirpanahi shows this feature. Specifically, in Amirpanahi, in col. 12, lines 32-56, it is shown that upon reinsertion of the parking charge card into the magnetic strip reader the networked computerized parking system credits the parking charge card with the unused amount of parking fee, and identification information of the parking charge card is transferred to the central database computer 90 upon insertion of the parking charge card into the card insertion opening 68 so that any unused amount of parking fee is added back to the remaining, unused value of the parking charge card, and the identification information is checked to assure that any refund only goes back to the parking charge card originally entered into the card insertion opening 68, *i.e the code of the parking charge card entered for refund matches with the code of the parking charge card originally entered for purchase of*

parking time. In addition, Amirpanahi also shows that the central database computer 90 uses *any remaining, unused parking time and the appropriate parking rate to calculate the refund to and calculate and retain a new value for the parking charge card* in col. 12, lines 56-61. This teaching of Amirpanahi therefore suggests the limitation of “when receiving said second payment, said payment system receiving said code specific to said first payment; and increasing, by said payment system, said second authorized parking time by a residual authorized time corresponding to said first authorized parking time linked to said first payment identified by said received code” since the same code for the original purchase of parking time is used for the refund for unused parking time, which is then used to calculate and retain a new value for the parking charge card. In col. 1, lines 36-40 Amirpanahi also shows that is common to use cards for computerized parking meters which operate without coins and to estimate a certain value to be deducted from a card in order to compensate for the amount of time that the user will be using said parking space, which further suggests that the new value for the parking charge card in Amirpanahi compensates for a new amount of time that the user will use the space.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

- Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
October 27, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628